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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,128	12/11/2001	Gang Qi	SP01-317	1966

22928 7590 08/01/2003

CORNING INCORPORATED  
SP-TI-3-1  
CORNING, NY 14831

EXAMINER
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SONG, SARAH U

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/015,128

Applicant(s)

QI ET AL.

Examiner

Sarah Song

Art Unit

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-11,13-22 and 24-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7,9-11,13-22 and 24-41 is/are allowed.
- 6) ☒ Claim(s) 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Applicant's communication filed on May 9, 2003 has been carefully studied by the Examiner. The arguments advanced therein, considered together with the amendments made to the claims and the affidavit (Paper No. 7), are persuasive and the rejections based upon prior art made of record in the previous Office Action are withdrawn. Claims 1, 3, 9, 13-15, 19-22, 24 and 25 have been amended. New claim 42 has been added. Claims 8, 12 and 23 have been canceled. Claims 1-7, 9-11, 13-22 and 24-42 are pending.

#### ***Information Disclosure Statement***

2. The prior art documents submitted by the applicant in the Information Disclosure Statement filed on May 9, 2003 have all been considered and made of record (note the attached copy of form PTO-1449).

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 42 is rejected under 35 U.S.C. 102(e) as being anticipated by Wei et al. (U.S. Patent Application Publication 2003/0099450). Wei et al. discloses a dispersion and dispersion slope compensating fiber comprising a segmented core and a cladding layer on the periphery of the core (paragraph [0050]). The fiber exhibits a dispersion of less than  $-50$  ps/nm-km at a wavelength of about 1580 (see Figure 8). The dispersion also appears to have a maximum

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deviation of less than about 7 ps/nm-km within a wavelength band of from about 1550 nm to about 1610 nm (curve 180 of Figure 8).

5. Claim 42 is rejected under 35 U.S.C. 102(e) as being anticipated by Hebgen et al. (U.S. Patent Application Publication 2003/0059186). Hebgen et al. discloses a dispersion and dispersion slope compensating fiber comprising a segmented core and a cladding layer on the periphery of the core (paragraph [0041]). The fiber exhibits a dispersion of less than  $-50$  ps/nm-km at a wavelength of about 1580 (see Figure 6). The dispersion also appears to have a maximum deviation of less than about 7 ps/nm-km within a wavelength band of from about 1550 nm to about 1610 nm (curve 320 of Figure 6).

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

#### ***Allowable Subject Matter***

6. Claims 1-7, 9-11, 13-22 and 24-41 allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: see Office Action mailed on February 13, 2003 (Paper No. 5).

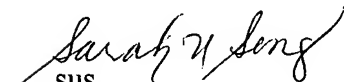
#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shimotakahara et al. (U.S. Patent 6,522,819) discloses a dispersion and dispersion

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slope compensating fiber having a plural glass layers, a dispersion less than  $-50$  ps/nm-km and a maximum deviation of less than about 7 ps/nm-km (Figure 3).

9. Any inquiry concerning the merits of this communication should be directed to Examiner Sarah Song at telephone number 703-306-5799. Any inquiry of a general or clerical nature, or relating to the status of this application or proceeding should be directed to the receptionist at telephone number 703-308-0956 or to the technical support staff supervisor at telephone number 703-308-3072.

  
sus  
July 27, 2003

  
HEMANG SANGHAVI  
PRIMARY EXAMINER